

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DAVID E. MACK,
Plaintiff,

vs.

I.C. SYSTEM, INC.,
Defendant.

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CAUSE NO. 4:13-CV-615

DEFENDANT I.C. SYSTEM, INC.'S ANSWER TO PLAINTIFF'S COMPLAINT

COMES NOW, Defendant I.C. System, Inc., by and through the undersigned counsel, files its Answer and Defenses to Plaintiff's Original Complaint "Complaint" filed by David E. Mack ("Plaintiff"). The paragraph numbers below correspond with the paragraph numbers contained in the Plaintiff's Complaint to the extent possible:

**I.
NATURE OF ACTION**

1. Defendant admits Plaintiff has filed suit under various collection statutes, but denies Plaintiff is entitled to the relief sought.
1. (sic) Defendant admits jurisdiction.
2. Defendant is without sufficient information to admit or deny Paragraph 2.
3. Defendant admits it is a debt collector, but is without sufficient information to admit or deny that the "debt" meets the definition of 15 USC of 1692a(5).
4. Defendant admits Paragraph 4.
5. Defendant admits Paragraph 5.
6. Defendant is without sufficient information to admit or deny Paragraph 6.
7. Defendant is without sufficient information to admit or deny Paragraph 7.

8. Defendant is without sufficient information to admit or deny Paragraph 8, but has no record of calling the phone number listed in Plaintiff's petition.
9. Defendant is without sufficient information to admit or deny Paragraph 9.
10. Defendant is without sufficient information to admit or deny Paragraph 10.
11. Defendant is without sufficient information to admit or deny that a caller hung up before Plaintiff could make it to and answer the phone. Defendant denies the remainder of Paragraph 11. Defendant has no record of calling the phone number identified by Plaintiff.
12. Defendant admits to receiving a letter from Plaintiff, but denies that it was a request to mitigate damages.
13. Defendant is without sufficient information to admit or deny when Plaintiff received any letter. The letter dated September 7, 2013 speaks for itself.
14. Defendant denies calling Plaintiff at the number listed on Paragraph 14 or any number on October 13, 2013. Defendant is without sufficient information to know if the number listed is a cell phone.
15. Defendant is without sufficient information to admit or deny Paragraph 15.
16. Defendant denies Paragraph 16.
17. Defendant is without sufficient information to admit or deny Paragraph 17.
18. Defendant is without sufficient information to admit or deny Paragraph 18.
19. Defendant denies Paragraph 19.
20. Defendant denies Paragraph 20 is a complete or accurate statement of the law.
21. Defendant denies Paragraph 21.
22. Defendant denies Paragraph 22 is a complete or accurate statement of the law.

- 23. Defendant repeats and realleges each and every allegation state above.
- 24. Defendant denies Paragraph 24.
- 25. Defendant repeats and realleges each of the preceding Paragraphs.
- 26. Defendant denies Plaintiff is entitled to relief sought.

II.
AFFIRMATIVE DEFENSES

- 27. Plaintiff has failed to mitigate damages, if any.
- 28. Plaintiff's damages, if any, are the result of a preexisting condition.
- 29. Plaintiff's pleading fails to state a claim upon which relief can be granted.
- 30. If any violation occurred, it was result of bona fide error.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully pray that Plaintiff take nothing herein, that said Defendant be dismissed with its costs, and all other and further relief, at law or in equity, to which Defendant may be justly entitled.

Respectfully submitted,

ROBBIE MALONE, PLLC

/s/ Robbie Malone
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record via ECF and First Class Mail on this 7th day of November, 2013.

David E. Mack
7720 McCallum Blvd. #2099
Dallas, Texas 75252

/s/ Robbie Malone
ROBBIE MALONE